

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

IN THE MATTER OF:

CASE NO. 08-81660

AARON RILEY, JR.

CHAPTER 13

Debtor

CONSENT ORDER

THIS CAUSE coming on to be heard before the undersigned Bankruptcy Judge, and it appearing to the Court that the Debtor and HSBC AUTO FINANCE have agreed and consented to the entry of this Consent Order to allow Debtor to Use Cash Collateral and to allow Substitution of Collateral pursuant to the agreement of the parties as set forth below:

1. That Creditor will approve the replacement vehicle, and such approval will not be unreasonably withheld;
2. That insurance proceeds in the amount of \$13,291.08 will not be in the sole possession of Debtor;
3. That Debtor will only use a certified auto dealer and not a private party or individual;
4. That the substitution of collateral be completed within 90 days of the entry of the Order;
5. That the Creditor shall be listed as the first lien holder on the replacement vehicle;
6. That if titling issues arise and/or Creditor is not listed as first lien holder on the title of the replacement vehicle, the Order shall be sufficient to cause the Department of Motor Vehicles in the state where the vehicle is to be titled and

registered to issue duplicate title or otherwise enter Creditor's name on said title as first lien holder;

7. That if Lien is not perfected timely, through no fault of the Creditor, the Trustee may not have any course of action on said collateral;
8. Creditor requests that Debtor and Auto Dealer timely complete all the necessary paperwork relating to substituting the replacement vehicle for the totaled Vehicle; and that the Debtor and Auto Dealer cooperate with Creditor to facilitate the substitution of collateral.

NOW THEREFORE, by virtue of the law and by reason of the premises aforesaid, and the consent of the parties, it is ADJUDGED, ORDERED and DECREED as follows:

1. That Creditor approve the replacement vehicle, and such approval will not be unreasonably withheld;
2. That insurance proceeds in the amount of \$13,291.08 will not be in the sole possession of Debtor;
3. That Debtor will only use a certified auto dealer and not a private party or individual;
4. That the substitution of collateral be completed within 90 days of the entry of the Order;
5. That the Creditor is listed as the first lien holder on the replacement vehicle;
6. That if titling issues arise and/or Creditor is not listed as first lien holder on the title of the replacement vehicle, the Order shall be sufficient to cause the Department of Motor Vehicles in the state where the vehicle is to be titled and registered, to issue duplicate title or otherwise enter Creditor's name on said title as first lien holder;
7. That if Lien is not perfected timely, through no fault of the Creditor, the Trustee may not have any course of action on said collateral;
8. Creditor requests that Debtor and Auto Dealer timely complete all the necessary paperwork relating to substituting the replacement vehicle for the totaled Vehicle; and that the Debtor and Auto Dealer cooperate with Creditor to facilitate the substitution of collateral.

9. That, subject to the court's approval, the Debtor's attorney be allowed the presumptive fee of \$450.00 for services provided in connection with the Motion to Use Cash Collateral and to Allow Substitution of Collateral, to be paid through disbursements by the Trustee.

WE CONSENT:

/s/ John C. Bircher III

John C. Bircher III

N.C. State Bar No.: 24119

Attorney for HSBC AUTO FINANCE

White & Allen, P.A.

P.O. Drawer U

New Bern, NC 28563

/s/Richard M. Hutson

Richard M. Hutson

CHAPTER 13 TRUSTEE

P.O. Box 3613

Durham, 27702

/s/Edward Boltz

Edward Boltz

N.C. State Bar No.: 23003

ATTORNEY FOR DEBTOR

6616-203 Six Forks Road

Raleigh, NC 27615

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PARTIES TO BE SERVED

Debtor:

Aaron Riley, Jr.
6123-G1 Farrington Road
Chapel Hill, NC 27517

Debtor attorney:

Edward Boltz
6616-203 Six Forks Road
Raleigh, NC 27615

Chapter 13 Trustee:

Richard M. Hutson
302 East Pettigrew St., Suite B-140
P.O. Box 3613
Durham, 27702

Attorney for HSBC Auto Finance

John C. Bircher III
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